

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1067 - SB 1309

March 21, 2017

SUMMARY OF BILL: Authorizes the Department of Health (DOH), acting through the Chief Medical Officer of the DOH, or the designee of the Commissioner of the DOH, to issue an emergency order suspending or restricting the license of a healthcare practitioner who tests positive for any drug on any government or private sector preemployment or employer-ordered confirmed drug test for a covered employer when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug. Allows the practitioner 48 hours from the time of notification to the practitioner of the confirmed test result to produce a lawful prescription for the drug before an emergency order is issued.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$4,600/One-Time/Division of Health Related Boards
\$93,900/Recurring/Division of Health Related Boards**

Assumptions:

- Based on information provided by the DOH, the proposed legislation cannot be accommodated within existing resources. The Division of Health Related Board's investigation office will require an additional Public Health Nursing Consultant 1 position to investigate health providers with positive test results on any drug test required by a government or private sector agency.
- The one-time increase in state expenditures associated with the additional position is estimated to be \$4,600 (\$1,900 computer cost + \$2,700 office furniture).
- The recurring increase in state expenditures associated with the additional position is estimated to be \$93,859 (\$67,100 salary + \$18,059 benefits + 7,900 administrative cost + \$200 connection cost + \$600 supplies).
- Currently, the DOH has to seek approval from the Attorney General's office for a summary suspension. If the suspension is not approved, then the DOH has to follow procedures pursuant to Tenn. Code Ann. § 4-5-320, which includes sending advance notice to the respondent. The process is extensive and can often take months.
- The proposed legislation authorizes the Chief Medical Officer of the DOH to issue an emergency order suspending or restricting a license for a healthcare practitioner for a positive drug test without a lawful prescription. This will allow suspensions to take place in a timelier manner. Streamlining the process will not result in a significant increase in licenses being suspended or restricted; therefore, any fiscal impact is estimated to be not significant.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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